

§ 12VAC30-30-10 Mandatory coverage: Categorically needy and other required special groups.

The Title IV A Agency determines eligibility for Title XIX services.

1. Recipients of AFDC.

a. The approved State AFDC plan includes:

(1) Families with an unemployed parent for the mandatory 6-month period and an optional extension of 0 months.

(2) AFDC children age 18 who are full-time students in a secondary school or in the equivalent level of vocational or technical training.

b. The standards for AFDC payments are listed in 12VAC30-40-220.

2. Deemed Recipients of AFDC.

a. Individuals denied a title IV-A cash payment solely because the amount would be less than

\$10.

b. Effective October 1, 1990, participants in a work supplementation program under title IV-A and any child or relative of such individual (or other individual living in the same household as such individuals) who would be eligible for AFDC if there were no work supplementation program, in accordance with §482(e)(6) of the Act.

c. Individuals whose AFDC payments are reduced to zero by reason of recovery of overpayment of AFDC funds.

d. An assistance unit deemed to be receiving AFDC for a period of four calendar months because the family becomes ineligible for AFDC as a result of collection or increased collection of support and meets the requirements of §406(h) of the Act.

e. Individuals deemed to be receiving AFDC who meet the requirements of §473(b)(1) or (2) for whom an adoption of assistance agreement is in effect or foster care maintenance payments are being made under Title IV-E of the Act.

3. Qualified Family Members. Effective October 1, 1990, qualified family members who would be eligible to receive AFDC under §407 of the Act because the principal wage earner is unemployed.

4. Families terminated from AFDC solely because of earnings, hours of employment, or loss of earned income disregards entitled up to twelve months of extended benefits in accordance with §1925 of the Act.

5. Individuals who are ineligible for AFDC solely because of eligibility requirements that are specifically prohibited under Medicaid. Included are:

a. Families denied AFDC solely because of income and resources deemed to be available from--

(1) Stepparents who are not legally liable for support of stepchildren under a State law of general applicability;

(2) Grandparents;

(3) Legal guardians; and

(4) Individual alien sponsors (who are not spouses of the individual or the individual's parent);

Mandatory Coverage: Categorically Needy and Other Required Special Groups

b. Families denied AFDC solely because of the involuntary inclusion of siblings who have income and resources of their own in the filing unit.

c. Families denied AFDC because the family transferred a resource without receiving adequate compensation.

6. Individuals who would be eligible for AFDC except for the increases in OASDI benefits under P.L. 92-336 (July 1, 1972), who were entitled to OASDI in August, 1972, and who were receiving cash assistance in August 1972.

a. Includes persons who would have been eligible for cash assistance but had not applied in August 1972 (this group was included in the State's August 1972 plan).

b. Includes persons who would have been eligible for cash assistance in August 1972 if not in a medical institution or intermediate care facility (this group was included in this State's August 1972 plan).

7. Qualified Pregnant Women and Children.

a. A pregnant woman whose pregnancy has been medically verified who:

(1) Would be eligible for an AFDC cash payment if the child had been born and was living with her;

(2) Is a member of a family that would be eligible for aid to families with dependent children of unemployed parents if the state had an AFDC-unemployed parents program; or

(3) Would be eligible for an AFDC cash payment on the basis of the income and resource requirements of the state's approved AFDC plan.

b. Children born after September 30, 1973 (specify optional earlier date) who are under age 19 and who would be eligible for an AFDC cash payment on the basis of the income and resource requirements of the state's approved AFDC plan.

Sections 12VAC30-40-280 and 12VAC30-40-290 describe the more liberal methods of treating income and resources under §1902(r)(2) of the Act.

8. Pregnant women and infants under 1 year of age with family incomes up to 133 percent of the Federal poverty level who are described in section 1902(a) (10)(A)(i)(IV) and 1902(l)(A) and (B) of the Act. The income level for this group is specified in 12VAC30-40-220.

Mandatory Coverage: Categorically Needy and Other Required Special Groups

9. Children:

a. who have attained 1 year of age but have not attained 6 years of age, with family incomes at or below 133 percent of the Federal poverty levels.

b. born after September 30, 1983, who have attained 6 years of age but have not attained 19 years of age, with family incomes at or below 100 percent of the Federal poverty levels.

Income levels for these groups are specified in 12VAC30-40-220.

10. Individuals other than qualified pregnant women and children under item 7 above who are members of a family that would be receiving AFDC under section 407 of the Act if the State had not exercised the option under section 407(b)(2)(B)(i) of the Act to limit the number of months for which a family may receive AFDC.

11.

a. A woman who, while pregnant, was eligible for, applied for, and receives Medicaid under the approved State plan on the day her pregnancy ends. The woman continues to be eligible, as though she were pregnant, for all pregnancy-related and postpartum medical assistance under the plan for a

60-day period (beginning on the last day of her pregnancy) and for any remaining days in the month in which the 60th day falls.

b. A pregnant women who would otherwise lose eligibility because of an increase in income (of the family in which she is a member) during the pregnancy or the postpartum period which extends through the end of the month in which the 60-day period (beginning on the last day of pregnancy) ends.

12. A child born to a woman who is eligible for and receiving Medicaid as categorically needy on the date of the child's birth. The child is deemed eligible for one year from birth as long as the mother remains eligible or would remain eligible if still pregnant and the child remains in the same household as the mother.

13. Aged, Blind and Disabled Individuals Receiving Cash Assistance.

a. Individuals who meet more restrictive requirements for Medicaid than the SSI requirements. (This includes persons who qualify for benefits under §1619(a) of the Act or who meet the eligibility requirements for SSI status under §1619(b)(1) of the Act and who met the State's more restrictive requirements for Medicaid in the month before the month they qualified for SSI under §1619(a) or met the requirements under §1619(b)(1) of the Act. Medicaid eligibility for these individuals

continues as long as they continue to meet the 1619(a) eligibility standard or the requirements of §1619(b) of the Act.)

b. These persons include the aged, the blind, and the disabled.

c. The more restrictive categorical eligibility criteria are described below:

(1) See 12VAC30-30-40

(2) (Financial criteria are described in 12VAC30-40-10).

14. Qualified severely impaired blind and disabled individuals under age 65 who:

(a) For the month preceding the first month of eligibility under the requirements of §1905(q)(2) of the Act, received SSI, a State supplemental payment under §1616 of the Act or under §212 of P.L.93-66 or benefits under §1619(a) of the Act and were eligible for Medicaid; or

(b) For the month of June 1987, were considered to be receiving SSI under §1619(b) of the Act and were eligible for Medicaid. These individuals must:

Mandatory Coverage: Categorically Needy and Other Required Special Groups

(1) Continue to meet the criteria for blindness or have the disabling physical or mental impairment under which the individual was found to be disabled;

(2) Except for earnings, continue to meet all nondisability-related requirements for eligibility for SSI benefits;

(3) Have unearned income in amounts that would not cause them to be ineligible for a payment under §1611(b) of the Act;

(4) Be seriously inhibited by the lack of Medicaid coverage in their ability to continue to work or obtain employment; and

(5) Have earnings that are not sufficient to provide for himself or herself a reasonable equivalent of the Medicaid, SSI (including any Federally administered SSP), or public funded attendant care services that would be available if he or she did have such earnings.

The State applies more restrictive eligibility requirements for Medicaid than under SSI and under 42 CFR 435.121. Individuals who qualify for benefits under §1619(a) of the Act or individuals described above who meet the eligibility requirements for SSI benefits under §1619(b)(1) of the Act and who met the State's more restrictive requirements in the month before the month they qualified

Mandatory Coverage: Categorically Needy and Other Required Special Groups

for SSI under §1619(a) or met the requirements of §1619(b)(1) of the Act are covered. Eligibility for these individuals continues as long as they continue to qualify for benefits under §1619(a) of the Act or meet the SSI requirements under §1619(b)(1) of the Act.

15. Except in States that apply more restrictive requirements for Medicaid than under SSI, blind or disabled individuals who:

a. Are at least 18 years of age;

b. Lose SSI eligibility because they become entitled to OASDI child's benefits under §202(d) of the Act or an increase in these benefits based on their disability. Medicaid eligibility for these individuals continues for as long as they would be eligible for SSI, absent their OASDI eligibility.

c. The State does not apply more restrictive income eligibility requirements than those under SSI.

16. Except in States that apply more restrictive eligibility requirements for Medicaid than under SSI, individuals who are ineligible for SSI or optional State supplements (if the agency provides Medicaid under §435.230), because of requirements that do not apply under Title XIX of the Act.

17. Individuals receiving mandatory State supplements.

18. Individuals who in December 1973 were eligible for Medicaid as an essential spouse and who have continued, as spouse, to live with and be essential to the well-being of a recipient of cash assistance. The recipient with whom the essential spouse is living continues to meet the December 1973 eligibility requirements of the State's approved plan for OAA, AB, APTD, or AABD and the spouse continues to meet the December 1973 requirements for have his or her needs included in computing the cash payment.

In December 1973, Medicaid coverage of the essential spouse was limited to: the aged; the blind; and the disabled.

19. Institutionalized individuals who were eligible for Medicaid in December 1973 as inpatients of Title XIX medical institutions or residents of Title XIX intermediate care facilities, if, for each consecutive month after December 1973, they:

- a. Continue to meet the December 1973 Medicaid State plan eligibility requirements; and
- b. Remain institutionalized; and
- c. Continue to need institutional care.

20. Blind and disabled individuals who:

- a. Meet all current requirements for Medicaid eligibility except the blindness or disability criteria; and
- b. Were eligible for Medicaid in December 1973 as blind or disabled; and
- c. For each consecutive month after December 1973 continue to meet December 1973 eligibility criteria.

21. Individuals who would be SSI/SSP eligible except for the increase in OASDI benefits under P.L. 92-336 (July 1, 1972), who were entitled to OASDI in August 1972, and who were receiving cash assistance in August 1972.

This includes persons who would have been eligible for cash assistance but had not applied in August 1972 (this group was included in this State's August 1972 plan), and persons who would have been eligible for cash assistance in August 1972 if not in a medical institution or intermediate care facility (this group was included in this State's August 1972 plan).

22. Individuals who:

a. Are receiving OASDI and were receiving SSI/SSP but became ineligible for SSI/SSP after April 1977; and

b. Would still be eligible for SSI or SSP if cost-of-living increases in OASDI paid under §215(I) of the Act received after the last month for which the individual was eligible for and received SSI/SSP and OASDI, concurrently, were deducted from income.

The State applies more restrictive eligibility requirements than those under SSI and the amount of increase that caused SSI/SSP ineligibility and subsequent increases are deducted when determining the amount of countable income for categorically needy eligibility.

23. Disabled widows and widowers who would be eligible for SSI or SSP except for the increase in their OASDI benefits as a result of the elimination of the reduction factor required by §134 of P.L. 98-21 and who are deemed, for purposes of title XIX, to be SSI beneficiaries or SSP beneficiaries for individuals who would be eligible for SSP only, under §1634(b) of the Act.

The State does not apply more restrictive income eligibility standards than those under SSI.

Mandatory Coverage: Categorically Needy and Other Required Special Goups

24. Disabled widows, disabled widowers, and disabled unmarried divorced spouses who had been married to the insured individual for a period of at least ten years before the divorce became effective, who have attained the age of 50, who are receiving Title II payments, and who because of the receipt of Title II income lost eligibility for SSI or SSP which they received in the month prior to the month in which they began to receive Title II payments, who would be eligible for SSI or SSP if the amount of the Title II benefit were not counted as income, and who are not entitled to Medicare Part A.

The State applies more restrictive eligibility requirements for its blind or disabled than those of the SSI program.

25. Qualified Medicare beneficiaries:

- a. Who are entitled to hospital insurance benefits under Medicare Part A, (but not pursuant to an enrollment under §1818 of the Act);
- b. Whose income does not exceed 100 percent of the Federal level; and
- c. Whose resources do not exceed twice the maximum standard under SSI.

Mandatory Coverage: Categorically Needy and Other Required Special Groups

(Medical assistance for this group is limited to Medicare cost sharing as defined in item 3.2 of this plan.)

26. Qualified disabled and working individuals:

a. Who are entitled to hospital insurance benefits under Medicare Part A under §1818A of the Act;

b. Whose income does not exceed 200 percent of the Federal poverty level; and

c. Whose resources do not exceed twice the maximum standard under SSI.

d. Who are not otherwise eligible for medical assistance under Title XIX of the Act.

(Medical assistance for this group is limited to Medicare Part A premiums under §§1818 and 1818A of the Act.)

27. Specified low-income Medicare beneficiaries:

Mandatory Coverage: Categorically Needy and Other Required Special Groups

- a. Who are entitled to hospital insurance benefits under Medicare Part A (but not pursuant to an enrollment under §1818A of the Act);

- b. Whose income for calendar years 1993 and 1994 exceeds the income level in 25.b., but is less than 110 percent of the Federal poverty level, and whose income for calendar years beginning 1995 is less than 120 percent of the Federal poverty level; and

- c. Whose resources do not exceed twice the maximum standard under SSI.

(Medical assistance for this group is limited to Medicare Part B premiums under §1839 of the Act.)

~~§27.1 Qualified individuals (pursuant to P.L. 105-33):~~

~~_____ a. _____ Who are entitled to hospital insurance benefits under Medicare Part A (but not pursuant to an enrollment under §1818A of the Act;~~

~~_____ b. _____ Whose income is at least 120% of the Federal poverty level, but is less than 135% of the Federal poverty level;~~

~~_____ c. _____ Whose resources do not exceed twice the maximum standard under SSI.~~

Mandatory Coverage: Categorically Needy and Other Required Special Groups

~~(Medical assistance for this group is limited to Medicare Part B premiums under §1839 of the Act. Coverage will be provided on a first come, first served basis up to the capped Federal entitlement and waiting lists will be established as necessary.)~~

~~§27.2 — Qualified Individuals 2~~

~~a. — Who are entitled to hospital insurance benefits under Medicare Part A (but not pursuant to an enrollment under §1818A of the Act.);~~

~~b. — Whose income is at least 135% of the Federal poverty level, but is less than 175% of the Federal poverty level; and~~

~~c. — Whose resources do not exceed twice the maximum standard under SSI;~~

~~(Medical assistance for this group is limited to the portion of the Medicare Part B increase that is attributable to section 4611 of the Balanced Budget Act of 1997 and will become effective with the next increase in the Medicare Part B premium. Coverage will be provided on a first come, first served basis up to the capped Federal entitlement and waiting lists will be established as necessary.)~~

a. Each person to whom SSI benefits by reason of disability are not payable for any month solely by reason of clause (i) or (v) of §1611(e)(3)(A) shall be treated, for purposes of Title XIX, as receiving SSI benefits for the month.

b. The state applies more restrictive eligibility standards than those under SSI.

Individuals whose eligibility for SSI benefits are based solely on disability who are not payable for any months solely by reason of clause (i) or (v) of §1611(e)(3)(A) and who continue to meet the more restrictive requirements for Medicaid eligibility under the state plan, are eligible for Medicaid as categorically needy.

CERTIFIED:

02/06/2001

Date

/s/ C. Mack Brankley

C. Mack Brankley, Acting Director

Dept. of Medical Assistance Services

12VAC30-10-160. Amount, duration, and scope of services: Other required special groups.

A. Qualified Medicare beneficiaries. Medicare cost sharing for qualified Medicare beneficiaries described in §1905(p) of the Act is provided only as indicated in 12VAC30-10-310 of this plan.

B. Qualified Disabled and Working Individuals. Medicare Part A premiums for qualified disabled and working individuals described in §1902(a)(10)(E)(ii) of the Act are provided as indicated in 12VAC30-10-310 of this plan.

C. Specified Low-Income Medicare Beneficiaries. Medicare Part B premiums for specified low-income Medicare beneficiaries described in §1902(a)(10)(E)(iii) of the Act are provided as indicated in 12VAC30-10-310 of this plan.

D. Qualifying Individuals-1. Medicare Part B premiums for qualifying individuals described in §1902(a)(10)(E)(iv)(I) and subject to §1933 of the Act are provided as indicated in 12VAC30-10-310 of this plan.

E. Qualifying Individuals-2. The portion of the amount of increase to the Medicare Part B premium attributable to the Home Health provisions for qualifying individuals described in §1902(a)(10)(E)(iv)(II) and subject to §1933 of the Act are provided as indicated in 12VAC30-10-310 of this plan.

~~D.~~ F. Families Receiving Extended Medicaid Benefits. Extended Medicaid benefits for families described in §1925 of the Act are provided as indicated in 12VAC30-10-300 of this plan.

CERTIFIED:

02/06/2001

Date

/s/ C. Mack Brankley

C. Mack Brankley, Acting Director

Dept. of Medical Assistance Services

12VAC30-20-80. Coordination of Title XIX with Part A and Part B of Title XVIII.

The following method is used to provide benefits under Part A and Part B of title XVIII to the groups of Medicare-eligible individuals indicated:

A. Part B buy-in agreements with the Secretary of HHS. This agreement covers:

All individuals eligible under the State's approved title XIX plan except Qualified Disabled Working Individuals.

Qualified Medicare beneficiaries provided by §301 of P.L. 100-360 as amended by §8434 of P.L. 100-647.

Specified Low-Income Medicare Beneficiary (SLMB) provided by §1905(p) of the Act.

Qualifying individuals-1: The Medicaid agency pays Medicare Part B premiums under the State buy-in process for individuals described in §1902(a)(10)(E)(iv)(I) and subject to §1933 of the Act.

Qualifying individuals-2: The Medicaid agency pays the portion of the amount of increase to the Medicare Part B premium attributable to the Home Health Provision to the individuals described in §1902(a)(10)(E)(iv)(II) and subject to §1933 of the Act.

B. Part A group premium payment arrangement entered into with the Social Security Administration.

This arrangement covers the following groups: Qualified Disabled & Working Individuals provided by §6408 of OBRA 1989 and Qualified Medicare beneficiaries provided by §301 of P.L. 100-360 as amended by §8434 of P.L. 100-647.

C. Payment of Part A and Part B deductible and coinsurance cost. Such payments are made in behalf of the following groups:

1. All individuals eligible for Title XVIII covered services.

2. Qualified Medicare beneficiaries provided by §301 of P.L. 100-360 as amended by §8434 of P.L. 100-647.

CERTIFIED:

02/06/2001

Date

/s/ C. Mack Brankley

C. Mack Brankley, Director

Dept. of Medical Assistance Services